

## C2 Themes – Work Track 3

### String Similarity

3.4.1 - There was a perception that consistency and predictability of the string similarity evaluation needs to be improved. Do you have examples or evidence of issues? If so, do you have suggested changes to the policy recommendations or implementation that may lead to improvement? For instance, should the standard of string confusion that the evaluation panel used be updated or refined in any way?

[INTA, BC, RySG, BRG, Afiliat, and ALAC provided suggestions with improving the string similarity evaluation with respect to singulars and plurals. Excerpts on this topic are consolidated under responses to 3.4.3.](#)

[INTA and NCSG recommended a longer period of time between the String Similarity Review, and the deadline to file a String Confusion Objection.](#)

Excerpts:

“... **Additional time needs to be allowed for possible objections between the String Similarity Review, and the deadline to file a String Confusion Objection.** In the First Round, only 2 weeks were allowed for parties to consider filing a String Confusion Objection based on the results of the String Similarity Review. INTA recommends exploring additional ways of **tolling the deadline (e.g., tolling the deadline to file a String Confusion Objection by 30 days** from the issuance of a decision in a String Similarity Review).” – INTA

“... Last but not least, there should be **longer periods for applicants to submit String Confusion Objections** based on the String Similarity Review given the possibility of receiving delayed reviews caused by unique factors such as the high volume of unique strings.” – NCSG

[NABP stated that where there is a verified TLD in a particular industry sector, any string in the same industry sector should have the same or substantially similar restrictions to address possible confusion.](#)

“NABP points out that **string confusion may also arise when two strings are synonyms, even if they are not forms of the same word, eg, doctor and physician.** . . . NABP recommends that, **where there is a verified TLD in a particular industry sector, any string matching another applied for string or an existing string (including translations thereof) in the same industry sector should have, at a minimum, the same or substantially similar restrictions as the verified TLD.**” – NABP

[RySG, BRG, Afiliat, and Google recommended eliminating the SWORD tool.](#)

“... There was **little correlation between the Sword Results and the actual outcomes of the String Similarity Review and String Confusion Objection Process** and, thus, that the tool was more **misleading** to applicants than helpful. Further, it appeared that the scores produced by the Sword Tool were changed partway through the application process,

resulting in further **confusion** to applicants. **We recommend that ICANN do away with the Sword Tool** that was presented to applicants as part of the 2012 Round.” – RySG, BRG, Afilias

“We support several of the recommendations made by the RySG to bring greater clarity and rigor to the String Similarity Review Process including **eliminating the SWORD tool. . .**” – Google

[NCSG provided feedback that string evaluation should be consistent and effective at avoiding confusion and promoting confidence through fair resolution mechanisms.](#)

“String **evaluation should be consistent and effective in avoiding confusion and loss of confidence** in the DNS with the eventual delegation of strings similar to existing TLDs or reserved names. Therefore the adoption of efficient and fair resolution mechanisms is key.”  
-- NCSG

**3.4.2 - Should the approach for string similarity in gTLDs be harmonized with the way in which they are handled in ccTLDs (ccNSO IDN ccTLD Fast Track Process is described here: <https://www.icann.org/resources/pages/fast-track-2012-02-25-en>)?**

[SSAC referenced Advice provided in SAC060: SSAC Comment on Examining the User Experience Implications of Active Variant TLDs Report \(23 July 2013\), SAC084: SSAC Comments on Guidelines for the Extended Process Similarity Review Panel for the IDN ccTLD Fast Track Process \(31 August 2016\), and SAC089: SSAC Response to ccNSO Comments on SAC084 \(12 December 2016\).](#)

[Nominet and ALAC supported harmonization.](#)

“Harmonisation of approach would be ideal, perhaps an opportunity to work on policy between the ccNSO and GNSO.” – Nominet

“Yes. See response to 3.1.1.” – ALAC

**3.4.3 - The WG and the wider community have raised concerns specifically related to singles and plurals of the same word. Do you have suggestions on how to develop guidance on singles and plurals that will lead to predictable outcomes? Would providing for more predictability of outcomes unfairly prejudice the rights of applicants or others?**

[RySG, BRG, Valideus, BC, Google, and vTLD Consortium supported putting singulars and plurals in the same language and script in a contention set.](#)

“We believe that in **subsequent application procedures the string similarity process should be updated to consolidate single-plural pairs by default.** The String Similarity Review played a limited role in the 2012 Round. Of the 1,400 unique applications submitted and the 232 contention sets formed, only two contention sets were identified by way of this review: .hotels and .hoteis and .unicorn and .unicom. . . **The scope of the String Similarity Review should be broadened to encompass single/plurals of TLDs on a per-language basis in**

**addition to the existing visual similarity standard. Contention sets would be formed on a per-language basis.** A dictionary should be the tool used to determine the singular and/or plural version of the string for the specific language. In this expanded process, **applications for single/plural variations of each string would be placed in a contention set** and applications for a single/plural variations of an existing string would not be permitted. . .” – RySG, BRG, Valideus, Google

“ . . . The BC has consistently stated that the **plural of a TLD term is “confusingly similar” to the singular** of that term. The string similarity panels making the decisions **did not apply consistent analysis** and the mixed results were an embarrassing mistake in the expansion of new gTLDs. The default rule should be that **the singular and plural of the same term, in the same language and script, should be presumed to be sufficiently similar so to be placed in the same contention set.** This would be a rebuttable presumption that could be appealed by applicants.” – BC (submitted in response to 3.4.1, see also response to 3.1.4)

“It is the opinion of the Consortium that the **singular and plural forms of the same word, in the same language,** should not be permitted to be approved in subsequent procedures for new gTLDs to avoid confusion resulting from such similar strings. **Applications for singular/plural variations of the same string should be placed in a contention set, and applications for single/plural variations of an existing string should not be accepted.** The Consortium recommends, at a minimum, that ICANN define the term “confusingly similar.”. . . In addition, the Consortium encourages learning from the experiences of the 2012 round relating to **providing clarity and predictability with regards to dispute and contention sets.** . .” – vTLD Consortium

[Google suggested considering exceptions where the single and plurals strings were likely to evoke different meanings for users.](#)

. . . However, in the event that the Working Group adopted this approach, we would recommend that a process be introduced to **review exceptions wherein the single and plurals strings were likely to evoke different meanings for users.** . .” – Google

[INTA and NABP supported putting singulars and plurals, including translations/foreign equivalents in a contention set. INTA favored allowing a singular/plural of an existing string if the applicant is also the registry operator \(or an affiliate\) of the prior blocking string.](#)

“INTA recommends that **singular and plural versions, and foreign equivalents, of the same type of string be evaluated for string confusion,** with the intent that **where an applied for string is the singular/plural, or the foreign equivalent, of an existing string the application will not proceed unless the applicant is also the registry operator** (or an affiliate) of the prior blocking string. Further, where there are **multiple applications for the same term and/or its singular/plural these should be placed into a single contention set.** INTA has concerns that allowing further singulars and plurals and foreign equivalents of the same string to coexist at the top level will expose the Internet community to **potential abuse, consumer confusion, and the need for additional defensive registrations.** . .” – INTA (submitted in response to 3.4.1)

“It is the opinion of NABP that the **singular and plural forms of the same word (including translations thereof) should not be allowed to coexist** in the domain name system to avoid confusion resulting from such similar strings. **Applications for single/plural variations of the same string should be placed in a contention set, and applications for a single/plural variation of an existing string should not be accepted.** . . . **The avoidance of such confusingly similar strings is especially important when an existing string represents a verified gTLD**, such as .pharmacy, with policies in place to ensure the eligibility of registrants to buy and maintain domains within the gTLD. A plural version of the same string, eg, .pharmacies, would confuse consumers. . .” – NABP

[Jean Guillon stated that singulars and plurals should be prohibited, but did not provide a detailed proposal for subsequent procedures.](#)

“**Singular and plural versions of the same domain name extension should be prohibited** in the next round of the ICANN new gTLD program: they confuse end users and increase the level of threat for trademarks.” -- Jean Guillon

[ALAC focused on concerns about user confusion and need for mitigation/fair resolution.](#)

“As noted above, **singular/plural needs to be considered and mitigation policies should be a factor** as well. See response to 3.1.1.” – ALAC (in response to 3.4.1)

“See response to 3.1.1. Additional criteria could impact some applications but **user confusion must be considered as a higher priority**. Mitigation could lessen any negative impact on applications.” – ALAC

**3.4.4 - Do you believe that there should be some sort of mechanism to allow for a change of applied-for TLD when it is determined to be in contention with one or more other strings? If so, do you have suggestions on a workable mechanism?**

[ALAC, RySG, BRG, and Afiliis opposed allowing applicants to change an applied-for TLD on the basis of contention.](#)

Sample excerpt:

“. . . We **do not support** the ability of an applicant to change the applied-for TLD simply due to the fact that it is in contention with another applicant.” – RySG, BRG, Afiliis

[Valideus supported allowing applicants to name an alternative string at the time of application.](#)

“ICANN should explore the possibility of providing applicants – at an additional cost – with **the option of naming an alternative string at the time of the application**, which must be in a related sector to the primary applied-for string. If the primary applied-for string is in contention with another application, the **applicant may elect to proceed with the alternative string**. This would help to reduce cases of contention.” -- Valideus

[Google, RySG, BRG, and Afiliás supported allowing applicants to change the originally applied-for string if a string is allowed at the time of application but later restricted.](#)

Excerpts:

**“Provide options for registries that apply for strings that are subsequently determined to be ineligible at the outset of the application process.** ICANN or the Working Group should establish at the outset what happens when an applicant applies for a string that is subsequently determined to be ineligible or indefinitely blocked from delegation. These affected applicants should be presented the option of having their full application fees refunded. The failure to consider how “ineligible” strings would be handled as part of the 2012 Round has left several applicants for the .home, .mail, and .corp TLDs in limbo, with no clear path toward resolution nearly five years from the closure of the application window.” - Google

**“In the event ICANN accepts fees for applications of an allowable string at time of application but later restricts the string** from being able to achieve delegation through no fault of the applicant, **ICANN should consider a mechanism to allow the applicant to change the originally applied-for string** (examples from the 2012 round include but not limited to .HOME, .MAIL and .CORP). . .” – RySG, BRG, Afiliás

**3.4.5 - Do you feel that the contention resolution mechanisms from the 2012 round (i.e., CPE and last-resort auctions) met the needs of the community in a sufficient manner? Please explain.**

[BRG, RySG, Afiliás, and ALAC felt that CPE and last resort auctions are generally a reasonable approach.](#)

“We believe that CPE and last resort auctions are generally a **reasonable approach** for contention resolution.” – BRG

“We believe that CPE and last resort auctions are **generally a reasonable approach** for contention resolution. As previously noted, however, we believe that **CPE as a decontention process could benefit from the introduction of models that were not all or nothing.** We would not support replacement of these mechanisms with a decontention process that was based upon speculative evaluation of the applications in question.” – RySG, Afiliás

“Yes.” -- ALAC

**3.4.6 – Do you believe that private auctions (i.e., NOT the auctions of last resort provided by ICANN) resulted in any harm? Could they lead to speculative applications seeking to participate in a private auction in future application processes? Should they be allowed or otherwise restricted in the future?**

[Jim Prendergast, RySG, Afiliás, and ALAC stated that private auctions resulted in speculative applications. ALAC favored prohibiting private auctions, while RySG and Afiliás preferred other narrowly tailored mechanisms to address speculation.](#)

**“The business model of losing private auctions was extremely profitable for some entities. That is widely known. As a result, we can expect to see applications submitted in future procedures that attempt to replicate this behavior. The only value of private auctions may have been it ended some contention sets. That’s it.”** – Jim Prendergast

**“We believe that there was likely some applications that engaged in speculation as part of auction or other private settlement arrangements, and that this trend will likely continue in future rounds, particularly now that the scale of interest is better-known. However, we believe that this does not justify a prohibition on applicants arriving at private settlements and that these types of prohibitions are, generally, outside scope for the Working Group. We welcome further consideration of other mechanisms to address potential speculative applications that are more narrowly tailored and do not unduly prevent registry operators’ private commercial agreements with respect to their commercial assets.”** – RySG, Afiliis

**“Yes, private auctions could lead to speculative applications. They should not be allowed.”**  
-- ALAC

### 3.4 General Feedback

[The GAC submitted an excerpt from the GAC Chair to the ccNSO Chair on 28 September 2016.](#)

“With regard to string similarity, the GAC Chair wrote to the ccNSO Chair on 28 September 2016 stating that:

The GAC thanks the EPSRP Working Group for their assessment and considerations on the overall ICANN policy for the selection of IDN ccTLD strings. The GAC fully supports some of the key points expressed by the working group, in particular:

- ccTLD policy is a matter for the local internet communities to determine.
- An IDN ccTLD application represents the free choice of a specific linguistic community that has full right to use its language and script in the DNS space.
- Where a finding of potential confusability has been made, rather than rejecting the application, the process should allow the applicant to propose mitigation measures and to assess fully the possibility versus probability of any such confusion
- Where there is a split recommendation (between upper case and lower case), the finding relating to the lower case shall prevail and the application shall go forward where probability of confusion is low
- ICANN must ensure consistency in the evaluation of the IDN strings throughout the TLD space and remedy the current, different approaches that are present in the gTLD and ccTLD space.

The GAC has advised the Board to apply these views, and has also advised that: Facilitation of IDN ccTLDs, through the relevant local Internet community, has always been supported by the GAC as a way of making the domain name system more inclusive and accessible. Issues of potential confusability can and should be addressed on a practical and workable basis. (Hyderabad Communique, 2016).” -- GAC